



THE STATE BAR OF CALIFORNIA

LEGAL SERVICES TRUST FUND PROGRAM

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TO: Executive Directors

FROM: Judy Garlow, Director, Legal Services Trust Fund Program

DATE: August 8, 2005

**SUBJECT: REQUEST FOR PROPOSAL: 2006 EQUAL ACCESS FUND
PARTNERSHIP GRANTS**

We are pleased to issue this Request for Proposal (RFP) for the seventh grant period of Partnership Grants, for calendar year 2006. The enclosed RFP is for both current recipients of partnership grants applying for refunding and new applicants.

Submit an original and five copies (6 total) of the proposal. Proposals must be received by Monday, September 19, 2005. Faxes and e-mail submissions will not be accepted. Mail or deliver proposals to:

**Judy Garlow, Director
Legal Services Trust Fund Program
State Bar of California
180 Howard Street
San Francisco, CA 94105-1639**

The enclosed 2006 Partnership Grants RFP Package includes **three** sections:

- Background Information, Process and Criteria (pages 1-3).
- Instructions (pages 4-13).
- Forms (following page 13).

You can also find the electronic version of this package at www.calbar.ca.gov/ioltaapplicationmaterials. For questions, contact this office by e-mail at trustfundprogram@calbar.ca.gov, or call a grants administrator:

Daniel Passamaneck	(415) 538-2403
Denise Teraoka	(415) 538-2545
Lorna Choy	(415) 538-2535

You may also contact Bonnie Hough at the Administrative Office of the Courts, at (415) 865-7668.

**THE LEGAL SERVICES TRUST FUND PROGRAM
EQUAL ACCESS FUND - PARTNERSHIP GRANTS**

REQUEST FOR PROPOSAL for 2006 GRANTS

FOR ALL APPLICANTS

BACKGROUND INFORMATION, PROCESS AND CRITERIA

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BACKGROUND INFORMATION

The State Budget Act allocates funds to the Equal Access Fund "to improve equal access and the fair administration of justice." The Fund is given to the Judicial Council to be distributed through the State Bar's Legal Services Trust Fund Program. A total of \$950,000 is available to legal services programs as Partnership Grants "for joint projects of courts and legal services programs to make legal assistance available to pro per litigants."

The distribution of Partnership Grants is completely different from other Trust Fund Program grants. The Trust Fund Commission and the Judicial Council have complete discretion and flexibility to distribute the funds in the way they deem most appropriate. This is a competitive grant process.

Once grant decisions have been made and approved by the Judicial Council, they will be final. There is no appeals process.

TIMING AND GRANT PERIOD

Partnership Grant proposals must be received by the Legal Services Trust Fund Program by **Monday, September 19, 2005**. The selection process will be concluded in December. Grants will be awarded for a one-year period, commencing January 1, 2006.

GRANT SIZE

Most grants will be awarded in the range of \$30,000 to \$80,000. The Commission will notify the applicant of a proposed grant amount and request feedback if that amount varies from the requested amount.

SEED MONEY/FUTURE FUNDING

These grants are “seed money” to help support projects that must eventually be funded from general operating revenue or other sources. Applicants **must** describe plans for obtaining future funding from other sources for these projects after three years of funding. A project that has received funding for five years will not be considered for renewal except under extraordinary circumstances. Please contact Trust Fund staff for further information before submitting such an application.

ELIGIBILITY REQUIREMENTS FOR PARTNERSHIP GRANTS

To be eligible to receive a Partnership Grant, there are four basic requirements:

1. **Qualified Legal Services Projects and Qualified Support Centers.** Applicants must be current recipients of Legal Services Trust Fund Program grants.
2. **Joint Court/Legal Services Program Projects.** Proposals must be for joint projects of courts and legal services programs, preferably at or near the courthouse.
3. **Indigent.** Recipients of services funded by the grant must be indigent, as defined under Business & Professions Code §6213(d).
4. **Self-Represented Civil Litigants in State Court.** Use of these funds is restricted to providing assistance to litigants proceeding in state court who continue without the assistance of counsel, and cannot be used to make court appearances for users of the self-help project.

SELECTION CRITERIA FOR PARTNERSHIP GRANTS

The Commission will consider the extent to which project planners have thoroughly addressed all the issues identified in this RFP. The intention is to fund a range of proposals around the state, with a variety of client constituents and legal problems. In particular, the Commission will consider how effectively the proposal addresses the following issues:

1. **Collaboration with Cooperating Court.** This must be a joint project with the court. The Commission will consider the extent to which the applicant has collaborated, and plans for future collaboration, with the cooperating court regarding access for self-represented litigants.

2. **Collaboration with Court-Based Services.** The Commission will consider the extent to which the applicant has collaborated, and plans for future collaboration, with other court-based services, including the Family Law Facilitator, and other offices of the cooperating court.
3. **Court's Impartiality.** The Commission will evaluate all proposals to determine their ability to protect the court's independence and impartiality. If the project intends to serve only one side of a matter/case (e.g., only tenants, or only petitioners), the Commission requires that the applicant demonstrate that it has sufficiently explored all the implications of this decision with the court, and identified alternate legal resources that can provide assistance to the opposing parties.
4. **Conflict of Interest.** If a project establishes an attorney-client relationship with the litigants, the Commission will evaluate the availability of meaningful referrals for individuals who are not eligible to use the services because they present a conflict of interest for the project.
5. **Information and Referrals.** The Commission will consider how the project will provide information and referrals to litigants who are not eligible to use the services for any reason.
6. **Additional Support.** The Commission will consider the applicant's diligence in pursuing other support for the project, including efforts to leverage its Equal Access Fund grant, towards the continuation of the project in anticipation of reduction or elimination of the applicant's Partnership Grant after three years of funding. It will take into account other funds or support actually contributed, such as commitments of the program's general operating revenue, recruitment of pro bono volunteers and in-kind support.
7. **Evaluation.** The Commission will consider the quality and effectiveness of the project's proposed self-evaluation process. All applicants must incorporate evaluation into their partnership proposal. Two summary reports and a complete evaluation will be required from each program.

**THE LEGAL SERVICES TRUST FUND PROJECT
EQUAL ACCESS FUND - PARTNERSHIP GRANTS**

2006 REQUEST FOR PROPOSAL

FOR ALL APPLICANTS

INSTRUCTIONS

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Proposals will consist of the following components:

- A. One-page Project Abstract (using attached form)
- B. Ten-page Project Narrative (using attached form)
- C. Assurances for Partnership Grants (using attached form)
- D. Project Budget (using attached form)
- E. Budget Narrative (using attached form)
- F. Indication of Support from Cooperating Court

Submit an original and five copies (6 total) of the proposal. Proposals must be received by Monday, September 19, 2005. Faxes and e-mail submissions will not be accepted. Mail or deliver proposals to:

**Judy Garlow, Director
Legal Services Trust Fund Program
State Bar of California
180 Howard Street
San Francisco, CA 94105-1639**

FORM A. PROJECT ABSTRACT

Use the one-page form to provide contact information and indicate the amount requested. The summary description, standing alone, must fairly and accurately summarize the proposed project; it will be used to identify and describe the project to others.

FORM B. PROJECT NARRATIVE

The Project Narrative should be in the following format, using exactly the numbers and titles set forth below. Each question must be answered in the narrative. The proposal must be self-contained; do not refer the reader to any prior applications, proposals or other documents.

The Project Narrative can be up to ten pages in length, single-spaced printed in fonts no smaller than 12 points. Pages should be numbered. The ten-page limit does not include the project abstract, project budget, budget narrative, assurances, the letter of support from the court, or the Memorandum of Understanding.

For applicants for refunding: Respond to the questions based on your organization's experience to date with your Partnership Grant project. Describe any changes you intend to make.

1. Program's Qualifications

Provide a brief overview of the program's qualifications, including experience providing assistance to self-represented litigants and the expertise of staff members who are responsible for the project.

2. Needs Assessment

Describe the methods used to select the subject matter to be addressed and services to be offered by the project, including a clear rationale for the decision. Describe the demographics of the client community and the geographic area served by the project. Explain why the target population is in particular need of services on an ongoing basis. Include information about the lack of other legal resources and any other special factors.

3. Goals and Objectives

Describe the project's goals and objectives and whether they have changed over the life of the project or are expected to change for this funding cycle. Discuss the involvement of collaborative partners in setting the goals and objectives. Include quantitative goals and estimates of the actual number of litigants to be served. Highlight the outcomes to be achieved for users of the project.

4. Types of Services and Resources Available

Describe the subject areas to be covered and types of services to be offered. Applicants for refunding must describe changes envisioned for the proposed continuation of the project and the reasons for any such changes. Describe the specific kinds of cases you expect to see and how services will be delivered to users of the project.

Describe written materials, audio-visual resources, and/or computer stations currently existing and available to users of the project. Identify any new resources to be developed. Who will be responsible for preparing those materials or other resources? Will resources be available in multiple languages?

5. Litigant Eligibility and Subject Matter Screening

Describe how you will verify litigant eligibility. Describe the methods you will use to screen for subject matter eligibility.

6. Conflicts/Serving Both Sides/Attorney-Client Relationship

- a. If the project expects to establish an attorney-client relationship with any users of its services, describe the method(s) you will use to check for conflicts. Will you have on-line access to the program's database, or is some other method being used to check for conflicts? Describe any conflicts panel you have established or plan to establish, the referral protocols used, and the commitments made by the entities to which litigants will be referred.
- b. If the project intends to serve only one party or side of a matter, explain why the project will limit its services in this way. The applicant **must** demonstrate that it has explored with the court all of the implications of this decision to serve one side, and has addressed any risk of an appearance of impropriety on the court's part. The letter from the presiding judge must clearly indicate that the court understands the implications and agrees with the program's decision to serve one side. Describe all steps taken to ensure that the interests of the opposing parties have been considered. List all persons/offices that provide services in the courthouse, or in this area of law (e.g., public defender's office, association of landlords' attorneys) with whom you have communicated.
- c. If the project does not expect to establish an attorney-client relationship with users of the services, what methods will be used to make the client aware of any limitations on the scope of services provided? What methods will be used to ensure that users understand that an attorney-client relationship will not be established?

7. Referral Protocols

Describe referral information that is being or will be provided to ineligible litigants:

- a. In situations where the project will serve one side only or where a conflict is presented, how will you make *meaningful referrals*? (A "meaningful referral" is one that directs the recipient of the referral to a source of information or advice that will actually provide assistance to the recipient.)
 - 1) Describe the commitments made by the entities to which litigants will be referred. What arrangements have been made to expedite the referral process and to guarantee effective referrals?

- 2) Describe the procedures and protocols used to ensure referred persons are being assisted in a *meaningful* manner by said entities.
 - 3) Describe how you will otherwise address the needs of unrepresented litigants? For example, will general information in the form of fact sheets, videos or other materials be available to those who are referred elsewhere?
- b. For those litigants who are not income or subject matter eligible or outside the service area, what arrangements have been made to provide them referrals or otherwise address their needs? Will general information in the form of fact sheets, videos or other materials be available to these persons?

8. Staffing, Training and Supervision

Describe the staffing for the project. If you expect to use volunteers, indicate the number of volunteers involved and whether there is a pro bono commitment in place for this project. How will staff and volunteers be trained? Who will be responsible for supervision? If the supervisor will not be on-site, describe the steps taken to ensure adequate supervision.

9. Technology and Equipment

Describe the equipment that is or will be available for the staff and volunteers of the project, including telephones, copiers, and computers. Explain how that equipment is or will be incorporated into the project's operations. If the equipment is or will be shared with other agencies, describe the ways that usage is or will be coordinated. Also describe any equipment that you now make, or plan to make, available directly to users of the project. What database systems and web-based legal resources will you utilize?

10. Site and Accessibility

Provide information about the location or planned location for the project, including its accessibility. How will you overcome language barriers and ensure that the services are culturally competent? If the project is not located at the courthouse, explain how you help ensure that litigants follow up with the assistance received and otherwise overcome the distance barrier.

11. Evaluation

Regular submission of evaluation reports is a condition of funding. Describe how you will evaluate the project, and any additional procedures you intend to implement to ensure and document that program goals are being met. If this is a refunding Application, describe any changes you intend to make to your previously submitted evaluation plan and explain the reasons for such changes. [Refer to "Reporting Requirements and Evaluation Methodology for Partnership Grant Recipients," at www.pic.org, for a further discussion of required evaluation procedures.]

12. Timetable

Describe the proposed timetable for 2006, including the plans for each quarter of the grant year.

13. Project Continuity

Applicants **must** describe plans for obtaining future funding from other sources for these projects. Include fundraising efforts, commitments of future funding, etc. Applicants should have plans to obtain other funding for 50% to 100% of their project's costs after three years of Partnership Grant funding, and to operate independent of the Partnership Grant program after no more than five years.

For projects that have been funded for three years or more, explain the reasons for requiring continued Partnership Grant funding. Indicate how much of the program's own general operating revenues have been committed to the project. Indicate all funding sources that you have approached, the amounts actually raised for 2006, and specifically identify any funds that have been obtained by leveraging your Partnership Grant. If other funding or support was not obtained, explain the reasons why you were not able to garner this support.

Ordinarily the Commission will not provide Partnership Grant funding for the same project for more than five years. Any applicant seeking a sixth year of funding should describe special extenuating circumstances that would justify a departure from this policy. You must clearly demonstrate that the circumstances are not only exceptional and unusual, but also that they could not have been expected.

14. Collaborative Partners

Provide information about others with whom you plan to or now collaborate, as well as all other in-kind support for the project. Include information about current and planned collaboration with other local legal services programs, the Family Law Facilitator, Family Law Information Center, other self-help projects in the community, the Clerk of the Court, and other offices of the cooperating court. Describe the effectiveness of any ongoing collaboration and any modifications that are envisioned. Explain steps that are being taken to help litigants avoid confusion about the different services available, and to minimize duplication of effort. If a subgrant of any Partnership Grant funds is envisioned, describe the proposed plans for that subgranting arrangement in detail, including plans for reporting and evaluation.

15. Collaborative Planning with the Courts

Provide information about the court that has jointly agreed to sponsor this project, including the history of collaboration between the court and the applicant. Describe the general areas of responsibility that the court has agreed to assume, and those that will remain the responsibility of the applicant. Existing projects

should attach a copy of their written agreements with the court and identify any areas that will be the subject of revisions.

The Commission requires that applicants address the following issues with the cooperating court. The agreement must be in writing before any grant funds are released.

- a. **Assurance of the Court's Impartiality and Independence** – If the project proposes to provide services for one party or side of a matter, the court must indicate its agreement and understanding of the implications of this decision in the letter of support. Describe the discussions that have occurred to arrive at that decision and describe the contents of that understanding.
- b. **Ongoing Coordination** – You must arrange for ongoing meetings, no less often than quarterly, with court personnel to discuss collaboration issues as they arise. Coordination must include the Family Law Facilitator, Family Law Information Center and should include all other self-help service providers in the court system, whether or not they provide assistance to the same litigants the project serves.
- c. **Clear Distinction Between Parts of Delivery System** – There must be plans that identify existing services available for self-represented litigants, and clarify how the Partnership Grant project differs. How will users of the services distinguish between the court's neutral role and the various projects based at the courthouse?
- d. **Services Provided, Information and Referrals** – There should be clear agreement about the types of legal issues covered, resources available, and level of service provided to users of the services, as well as clear protocols regarding information and referrals available for persons ineligible for services.
- e. **Logistics** – There must be plans for:
 - **Security** – adequate security for staff, volunteers, and users of the project. Who will provide that security?
 - **Location/Hours** – information regarding where the services will be provided, and what times they will be available.
 - **Equipment/Supplies** – determining who will provide equipment and supplies. If the equipment is to be shared with other offices, describe the limitations to be placed on their use and what, if any, reimbursement will be required.
 - **Shared Space** – addressing all issues that may arise if more than one project is sharing space at the court.

- f. **Project Continuity** – There must be plans for discussion between the legal services program and the court regarding the ongoing nature of the proposed project, including whether and how the project can be continued following this grant year.
- g. **Evaluation** – There must be plans for ongoing integral evaluation that gathers, organizes and incorporates input from both the legal services program and the court during and after the grant year to ascertain ways to improve the services.

FORM C. ASSURANCES FOR PARTNERSHIP GRANTS

Provide appropriate signatures for the Assurances.

FORM D. PROJECT BUDGET

Use the attached Project Budget form to provide an estimated project budget, including the amount requested for the upcoming funding cycle of Partnership Grants (Column 1), other Trust Fund funds that the program will commit to the project (Column 2), and other Non-Trust Fund funds (Column 3). Identify any carry-over funds from prior funding cycles at line 25.

FORM E. BUDGET NARRATIVE

Use the attached Project Budget Narrative form to provide an explanation for each line item in the project budget, and explain the costs that would be covered by a Partnership Grant, any portion that would be covered by other funds, and any expenses to be covered by the cooperating court. [Also, identify the nature and source of all in-kind or donated resources to be utilized by the project, and the estimated value of such resources.]

1. Explanation of Form D

Explain how you arrived at the amounts on each line of Form D. In your response, list each number and line item before the explanation.

2. Contribution of Cooperating Court

Provide a narrative description of the types of expenses and/or in-kind support to be provided by the cooperating court, including the exact amounts, if known. Also include expenses to be paid or in-kind services to be provided by any other collaborating partner.

3. Existing Project Expenses

If this proposal concerns the expansion of a pre-existing project, provide a budget for this pre-existing project. Indicate the source of funding for this project; if these other funds are Trust Fund monies, indicate whether they are IOLTA or EAF (IOLTA-formula) monies and, if both, the proportions of each.

Expense Categories. Descriptions of expenses to be included in the Project Budget, Form D, and Budget Narrative, Form E, are the same as those utilized for all other Trust Fund budgeting purposes. These are:

Lawyers. Salaries and wages paid to staff attorney(s), whether full-time, part-time or temporary.

Paralegals. Salaries and wages paid to staff paralegal(s) (including law graduates, legal assistants and law students), whether full-time, part-time or temporary. Paralegals are persons working under the supervision and control of an attorney, whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings and outreach and community work.

Other Staff. Salaries and wages paid to all other staff, including administrative and support staff, whether full-time, part-time or temporary.

Employee Benefits. Fringe benefits and payroll taxes paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance, and other payroll-related costs.

Space. Rent, utility payments, maintenance/janitorial expenses, and the cost of debt service for owned property.

Equipment Rental and Maintenance. Lease or rental expenses for office furniture, fixtures and equipment (except telephone); maintenance costs for that equipment whether pursuant to a service contract or an estimate of anticipated repair bills.

Supplies, Printing and Postage. Basic office accessories and supplies, including materials used in copiers. Equipment purchases that will not be depreciated may be included here. Outside printing and postage should also be included in this category.

Telecommunications. Local, long distance, cellular telephone or wireless service expenses. Similar and related expenses for voice mail, conference calls, videoconferencing, or other telecommunications services should be included as well. Telephone equipment lease/rental and telecommunications equipment purchases that will not be depreciated may be included here.

Travel. Expenses for travel, whether directly related to the provision of legal services or administration of the organization.

Training. Non-personnel costs associated with training or continuing education for **staff members or volunteers** who provide services through your organization. You may include the cost of travel to and from training events, per diem, conference registration fees or tuition, purchase or production of training materials, rent for facilities used in a staff training event, consultant fees paid to trainers, etc. Do not include expenses associated with training you provide to the public or to other organizations.

Library. Expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, books and update services or electronic research services. Capital additions to library holdings should be included on line 19.

Insurance. Professional liability insurance, fidelity insurance, property insurance (fire and theft) and liability insurance for property and automobiles.

Audit. Expenses for preparation of audit. Do not include costs for bookkeeping or ongoing accounting services here.

Litigation. Court costs, witness fees, expert witness expenses, sheriff's fees, courthouse copying fees, and other expenses incurred in litigation on behalf of eligible clients.

Capital Additions. Equipment and library purchases over \$1,000 per item and any proposed expenditures related to real property acquisition. Provide a separate description for each such proposed purchase. Purchases of tangible personal property with Trust Fund monies are governed by the "Guidelines for Acquisition of Tangible Personal Property." The purchase of real property with your Trust Fund grant is governed by the "Guidelines for Purchases of Real Property." Contact Trust Fund Program staff if you propose to allocate grant funds towards the purchase of real property.

Contract Service to Clients. Payments to private attorneys, consultants or organizations who provide legal services to clients. **Itemize individual contract amounts.**

Contract Service to Organization. Payments for services to the organization, such as legal counsel for its operations, bookkeeping or other accounting services, technology and development consultant fees, etc. **Itemize individual contract amounts.**

Other. Expenses not included above. **Itemize individual "Other" expenses.**

FORM F. INDICATION OF SUPPORT FROM COOPERATING COURT

Letter of Support. Attach a letter of support signed by the Presiding Judge of the Court agreeing to cooperate on the proposed project.

Memorandum Of Understanding. All applicants must provide a copy of a formal agreement with the cooperating court setting forth the duties and responsibilities of each party as regards this project. This agreement should reflect all financial or in-kind support to be provided by each party, and all logistical and administrative matters reflected in the proposal. This agreement may be submitted subsequent to the Commission's approval of a Partnership Grant, but no grant funds will be disbursed before such an agreement has been submitted.